

SENATE BILL REPORT

ESHB 3186

As Reported By Senate Committee On:
Human Services & Corrections, February 23, 2006

Title: An act relating to the modification of disposition orders.

Brief Description: Modifying disposition orders.

Sponsors: House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson and Rodne).

Brief History: Passed House: 2/13/06, 95-1.

Committee Activity: Human Services & Corrections: 2/21/06, 2/23/06 [DPA, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Minority Report: That it be referred without recommendation.

Signed by Senator Regala, Vice Chair.

Staff: Shani Bauer (786-7468)

Background: If a juvenile is adjudicated of an offense in juvenile court, the court will enter a disposition order imposing a sentence on the juvenile. The disposition order may include detention, community service, a period of community supervision, restitution, and a fine.

If the juvenile fails to comply with the terms of the order, after a hearing on the violation, the court may modify the order and may impose sanctions for the violation. Sanctions may include a penalty of up to 30 days of confinement in detention.

The court does not have statutory authority to modify the disposition order if the juvenile has not violated the terms of the order.

Summary of Amended Bill: The juvenile probation officer may file a motion with the juvenile court requesting that a juvenile's order of disposition be modified if the respondent is not in violation of the terms of the order of disposition and notice is sent to the victim if the victim's contact information is available.

The court may modify the order of disposition for good cause, so long as the modification does not result in any increased sanction or penalty. In determining whether good cause exists, the court is required to consider the best interests of the respondent, the victim, and the community.

Amended Bill Compared to Original Bill: The requirement that the juvenile probation officer make a request for modification through the prosecuting attorney is removed. Notice must be sent to the victim at the time a motion for modification is made.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Prosecutors are in favor of the bill in its current form. If there is a successful disposition order, sometimes there is a need for early modification. For example, when a juvenile has met the terms of the disposition a month early and all parties are in agreement, it might be appropriate to terminate the disposition early. The original terms of the disposition are pretty hard fought and the prosecutors would have concerns about giving total discretion to open up the disposition without a specific request. The terms of the disposition can only go down at this point.

Testimony Against: Originally this bill was at the request of the Juvenile Court Administrators and stated that either party or the court can make a motion to modify the disposition order. The WAPA argued that this would open the floodgates for motions to modify disposition orders. The bill was then amended to state that the probation counselor should be the one to make a motion to modify. The bill was then amended again to state that the motion had to go through the prosecutor. If the motion is left to the prosecutor, motions aren't going to be brought as the prosecutor will disagree in most circumstances.

Who Testified: PRO: Representative Dickerson (sponsor); Tom McBride, WAPA.

CON: Phil Jans, Washington Association of Juvenile Court Administrators.